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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 QUINTON P. BROWN,

10 Plaintiff,

11 Case No. C23-157-LK-MLP

12 v.

13 STEVEN SAGER, *et al.*,

14 Defendants.

15 PRETRIAL SCHEDULING ORDER

16 This is a civil rights action brought pursuant to 42 U.S.C. § 1983. Defendants have filed
17 an answer to Plaintiff's complaint. (Dkt. # 12.) Accordingly, the Court hereby establishes the
18 following pretrial schedule:

19 (1) Discovery

20 All discovery shall be completed by ***July 11, 2023***. Service of responses to
21 interrogatories, requests for production, and requests for admissions, and the taking of
22 depositions, shall be completed by this date. The Federal Rules of Civil Procedure require that
23 responses to discovery requests be served within thirty (30) days after service. *See Fed. R. Civ.*
24 P. 33(b)(2), 34(b)(2)(A), 36(a)(3). The serving party, therefore, must serve his/her discovery

1 requests at least thirty (30) days before the deadline in order to allow the other party time to
2 answer.

3 (2) Dispositive Motions

4 Any dispositive motion shall be filed and served on or before *August 11, 2023*. Pursuant
5 to LCR 7(b), any argument being offered in support of a motion shall be submitted as a part of
6 the motion itself and not in a separate document. The motion shall include in its caption
7 (immediately below the title of the motion) a designation of the date the motion is to be noted for
8 consideration upon the Court's motion calendar. Dispositive motions shall be noted for
9 consideration on a date no earlier than the fourth Friday following filing and service of the
10 motion. LCR 7(d)(3).

11 All briefs and affidavits in opposition to any motion shall be filed and served pursuant to
12 the requirements of Rule 7 of the Federal Rules of Civil Procedure and LCR 7. The party making
13 a motion may file and serve a reply to the opposing party's briefs and affidavits. Any reply brief
14 shall also be filed and served pursuant to the requirements of Rule 7 of the Federal Rules of Civil
15 Procedure and LCR 7.

16 Defendants are reminded that they MUST serve a *Rand* notice, in a separate document,
17 concurrently with motions for summary judgment so that *pro se* prisoner plaintiffs will have fair,
18 timely and adequate notice of what is required of them in order to oppose such motions. *Woods*
19 *v. Carey*, 684 F.3d 934, 941 (9th Cir. 2012). The Ninth Circuit has set forth model language for
20 such notices:

21 A motion for summary judgment under Rule 56 of the Federal Rules of
22 Civil Procedure will, if granted, end your case.

23 Rule 56 tells you what you must do in order to oppose a motion for
summary judgment. Generally, summary judgment must be granted when
there is no genuine issue of material fact – that is, if there is no real

dispute about any fact that would affect the result of your case, the party who asked for summary judgment is entitled to judgment as a matter of law, which will end your case. When a party you are suing makes a motion for summary judgment that is properly supported by declarations (or other sworn testimony), you cannot simply rely on what your complaint says. Instead, **you must set out specific facts in declarations, depositions, answers to interrogatories, or authenticated documents, as provided in Rule 56(e), that contradict the facts shown in the defendant's declarations and documents and show that there is a genuine issue of material fact for trial. If you do not submit your own evidence in opposition, summary judgment, if appropriate, may be entered against you. If summary judgment is granted, your case will be dismissed and there will be no trial.**

Rand v. Rowland, 154 F.3d 952, 963 (9th Cir. 1998) (emphasis added). Defendants who fail to file and serve the required *Rand* notice on the plaintiff may have their motion stricken from the Court's calendar with leave to re-file.

11 (3) Joint Pretrial Statement

12 The parties are advised that a due date for filing a Joint Pretrial Statement may be
13 established at a later date pending the outcome of any dispositive motions.

14 (4) Proof of Service and Sanctions

15 All motions, pretrial statements and other filings shall be accompanied by proof that such
16 documents have been served upon counsel for the opposing party or upon any party acting *pro
se*. The proof of service shall show the day and manner of service and may be by written
17 acknowledgment of service, by certificate of a member of the bar of this Court, by affidavit of
18 the person who served the papers, or by any other proof satisfactory to the Court. Failure to
19 comply with the provisions of the Order can result in dismissal/default judgment or other
20 appropriate sanctions.

(5) The Clerk of Court is directed to send copies of this Order to Plaintiff and to counsel for Defendants.

DATED this 12th day of April, 2023.

M. J. Rekison

MICHELLE L. PETERSON
United States Magistrate Judge